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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 ALI-MOHAMED KIDUDU,) CASE NO. C08-0651-RSM
09)
Petitioner,)
10)
v.) REPORT AND RECOMMENDATION
11)
A. NEIL CLARK,)
12)
Respondent.)
_____)

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14 Petitioner Ali-Mohamed Kidudu is a native and citizen of Kenya. On April 25, 2008,
15 petitioner, proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C.
16 § 2241, challenging the lawfulness of his continued detention, and seeking an order reducing his
17 bond amount from \$25,000 to \$1,500. (Dkt. 8). However, the day after petitioner filed his habeas
18 petition, he was transferred from the Northwest Detention Center in Tacoma, Washington, to the
19 Mira Loma Detention Center in Lancaster, California. (Dkt. 5). On July 14, 2008, the
20 government filed a Return Memorandum and Motion to Dismiss, arguing, *inter alia*, that this
21 Court lacks habeas jurisdiction over petitioner's challenge to his detention because petitioner is
22 no longer within the custody or control of respondent A. Neil Clark. (Dkt. 14).

01 The district of confinement is the proper venue for a Petition for Writ of Habeas Corpus
02 under 28 U.S.C. § 2241. *See Rumsfield v. Padilla*, 542 U.S. 426, 442 (2004). “Accordingly, with
03 respect to habeas petitions ‘designed to relieve an individual from oppressive confinement,’ the
04 traditional rule has always been that the Great Writ is ‘issuable only in the district of
05 confinement.’” *Id.* (quoting *Carbo v. United States*, 364 U.S. 611, 617 (1961). “The plain
06 language of the habeas statute thus confirms the general rule that for core habeas petitions
07 challenging present physical confinement, jurisdiction lies in only one district: the district of
08 confinement.” *Id.* at 443.

09 Here, petitioner has filed a “core habeas petition challenging present physical confinement.”
10 *Id.* Accordingly, jurisdiction lies in only one district – the district of confinement. Because
11 petitioner is confined in Lancaster, California, jurisdiction over the habeas petition lies only in the
12 Central District of California. Accordingly, this case should be transferred to the United States
13 District Court for the Central District of California.

14 DATED this 17th day of July, 2008.

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16 Mary Alice Theiler
17 United States Magistrate Judge
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